

Proposed Amendments to Local Rules, Effective January 1, 2008

Example = proposed deletions Example = proposed additions

Chapter 1 - Organization and Administration

Rule 2	Location and Organization	Amended	New
2.2	Filings & Mailed Filings	X	
	All documents, for whatever department, will be filed with the appropriate clerk. See Appendix 4 for locations. For exact locations and phone directory see the courts website at www.yolo.courts.ca.gov .		
2.3	Fax Filings	X	
	The Court does not accept pleadings for direct filing by facsimile. It will, however, accept filings from a fax filing agency for civil, probate and family law proceedings. Contact the Court for the names of approved fax filing services.		
2.4	Court Documents and Files		X
	All documents in court files are public record, with the exception of those items deemed confidential by statute, regulation, court rule, court order or other law. Under no circumstances will anyone other than court personnel be allowed to disassemble documents in court files or remove files from the clerk's office. See Appendix 7 Record Viewing and Copying Policy.		
Rule 4	Court Security and Conduct		
4.5	Cameras, Camera Phones	X	
	(a) Prohibited Activities. Photographing, videotaping, televising, or otherwise recording any court proceeding is prohibited unless a written request has been filed and approved by the Judge presiding at the proceeding prior to the commencement of the proceeding. No one may use a camera or camera-phone to transmit, record, or take pictures in any portion of the courthouse except as permitted by these rules and Rule 1.150 of the California Rules of Court. (See Appendix 1)		
	(b) Members of the Media. Members of the media shall meet with the Court Executive Officer, or his or her designee, prior to operating media equipment in common areas of the courthouse.		

	(c) Order Prohibiting Use of Camera, Camera-Phone or Other Camera-Phone Enabled Equipment. Attached as part of these Rules is a Standing Order of the Yolo Superior Court, effective May 27, 2005, prohibiting camera and camera-phone use or other camera-phone-enabled recorder equipment. (Appendix 1)		
	(d) Cell Phone Use. All cell phones shall be turned off when entering a courtroom. Violation of this rule may result in severe sanctions, including confiscation of a cell phone.		
	(e) (c) Prohibition Against Visual Displays, Banners, Flags, Photographs. No person present at a court proceeding may display any buttons, flags, signs, images or otherwise that might prejudice the court or jury or undermine the security or decorum of the proceeding. The bailiff on duty, under the supervision of the Judge, shall have the authority to enforce these rules. Attached as part of these Rules is a standing Order of the Yolo Superior Court, effective May 27, 2005, prohibiting such displays in a courtroom. (Appendix 3)		
4.6	Cell Phone Use		X
	All cell phones, pagers, personal digital assistants (PDAs), laptop computers and any other device capable of distracting or disturbing court proceedings shall be turned off before entering the courtroom. If a laptop computer or PDA is necessary for a matter at issue, it must not make any noise or be disruptive to the proceedings. A cell phone or PDA shall not be raised in any way as to indicate a picture is being taken. Enforcement is in the sole discretion of the sitting judge. Violators are subject to contempt of court, Rule 1.150 (f) of the California Rules of Court, and/or confiscation of the device(s).		
Rule 7	Ex Parte Hearings		
7.1	Ex Parte Hearings	X	
	All ex parte matters shall be conducted in strict accordance with rule 3.1200 et seq. of the California rules of Court. Any request to set an ex parte application for hearing shall be made to the department for which the case is assigned. Family Law matters are governed by this Rule and rule 17.1.		

Rule 9	Coordination of DV & Child Custody/Visitation Orders		
9.1	Communication		X
	(a) Before a Criminal Protective Order (CPO) or Domestic Violence Restraining Order (DVRO) is issued the Court shall inquire if there are:		
	1. children of the relationship between the defendant/restrained person and the victim/protected person,		
	2. custody and visitation orders in place for those children, and		
	3. existing protective/restraining orders involving the parties.		
	(b) If there is not an existing order for custody and/or visitation, the criminal court may issue a CPO authorizing the family, juvenile or probate judge to allow the safe exchange of the child(ren).		
	may, if it is in the best interest of the child(ren), issue a CPO to allow for the safe exchange of the child(ren).		
	restraining order and the protected parties are the same as the victims in the case before the criminal court, the criminal judge shall not issue a CPO less		
9.2	Modification of the Criminal Protective Order		X
	The Family, Juvenile, or Probate Court may modify the CPO if a custody and/or visitation order is more restrictive than the existing CPO. If a proposed custody and/or visitation order is less restrictive than the existing CPO, the criminal, family law, probate and/or juvenile case(s) shall be calendared in the criminal department. If the criminal judge agrees to modify the CPO, he/she shall issue a new CPO and sign the custody and/or visitation order. The criminal judge shall follow the rules of confidentiality when the hearing involves a juvenile case.		
Chapter 2 - Civil Rules			
Rule 12	Case Management		
12.4	Case Management Conference	X	
	(a) A case management conference will be set by the clerk at the time the complaint is filed. (Government Code section 68618.) Normally, the CMC will be set 120 days after the complaint is filed.		

	(b) If the complaint is a limited collection case, the clerk at the time of filing shall set the case management conference 180 days after the complaint is filed. (See Rule 12.6)		
	(b) (c) At least fifteen (15) calendar days before the scheduled case management conference, each party shall file with the court and serve on all other parties a completed Judicial Council Case Management Statement (Form CM 110).		
12.5	Conduct At Case Management Conference (CMC)	X	
	(e) At the CMC, the judge will make appropriate pre-trial orders that may include the following:		
	(1) An order referring the case to ADR; or Early Settlement Conference Program (See Appendices 3, 4 & 6)		
12.6	Limited Civil Collection Cases		X
	Limited civil collection cases are governed by Rules 3.740 and 3.741 of the California Rules of Court and this Rule. Failure to comply may result in an Order to Show Cause and monetary sanctions.		
	(a) Timely service of process and no responsive pleading: If the plaintiff has filed a proof of service on all defendants or has obtained an Order for Publication at least fifteen (15) days prior to the case management conference date, and there is no responsive pleading, the case management conference will be vacated and rescheduled to allow the plaintiff to proceed to judgment, notice of settlement, or dismissal.		
	(b) Responsive pleading: If a responsive pleading (answer, demurrer, etc.) is filed, the case management conference will proceed in accordance with local rules and policies.		
	(c) Obligation to take default and obtain judgment: It is the plaintiff's obligation to take the defendant(s) default and proceed to judgment within 360 days after the complaint has been filed. Compliance with Rule 3.740(f) of the California Rules of Court will be strictly enforced. Plaintiffs are encouraged to proceed with default prove-ups as promptly as possible to avoid orders to show cause and sanctions.		

	(d) Relief from non-compliance: Parties seeking relief from non-compliance with Rule 3.740 et seq. of the California Rules of Court and this Rule must do so within the time frames set forth in Rule 3.740 of the California Rules of Court and not less than fifteen (15) days written notice to the court, together with a declaration(s) setting forth good cause why such relief should be granted and served on all parties.		
Chapter 3 - Criminal Rules			
Rule 16	General Criminal		
16.1	Criminal Complaints Time for Filing	X	
	(a) All criminal complaints charging in-custody defendants shall be filed with the clerk of the court no later than 10:00 a.m. on the morning of the day the defendant is to appear. Failure to file a complaint pursuant to the time requirements stated shall result in the arraignment being held on the next court day.		
	(b) All criminal complaints charging defendants not in custody shall be filed no later than seventy-two (72) hours prior to the defendant's appearance.		
16.4	Motions	X	
	(d) The court hereby incorporates by reference Rule 4.111, of the California Rules of Court, regarding pretrial motions except as modified herein. In the interest of judicial efficiency and respect for jury panel members, unless otherwise ordered by the court, any pretrial motion requiring an evidentiary hearing outside the presence of the jury and any in limine motion requiring an evidentiary hearing outside the presence of the jury shall be filed no later than thirty (30) calendar days before the date set for trial. The party filing the motion for which an evidentiary hearing outside the presence of a jury is required shall, at the time of filing, also calendar a hearing setting conference to be held at least fourteen (14) calendar days before the date set for trial.		

Chapter 4 - Family Law Rules

Rule 17	General Family Law		
17.1	Family Information Form		X
	(a) When a new family law or domestic violence action that involves a minor child(ren) or probate guardianship action is filed, the petitioner and respondent shall complete and file the Family Information Form. The parties in existing cases may also be required to complete the form if they have not		
	(b) This form shall be kept in a confidential envelope in the case file. It shall not be shown or disseminated to anyone except for the judge, mediator, party to the action, attorney of record or any other person authorized by the court.		
	(c) The form shall not be used in any proceeding as evidence against a party to the action.		
Rule 18	Child Custody and Child/Spousal Support		
18.4	Family Law Mediation		X
	(a) Mediation is a mandatory process governed by Family Code section 3160 et seq. by which the court refers issues of child custody and visitation to a third party for assistance in negotiating a settlement of the disputes and/or to make recommendations to resolve the issues.		
	(b) The court has mediators assigned on a rotational basis to the family law department to provide in-court, mandatory mediation. Either party may object to an in-court mediator when he/she is appointed. If the court honors the objection and another mediator is not available, the case will be continued to a date when a different mediator will be present. Objections to in-court mediators may be made orally, and without cause or explanation. Once a mediator has been appointed, an objection will be accepted only after the mediator makes his/her report. At that time, a different follow-up mediator may be requested.		
	(c) Mediators will normally allow only the parents, and if appropriate, the children, to participate in the mediation process. The mediator, in his or her discretion, may request other persons to participate whose relationship to the children is germane to the mediation process.		

18.5	Voluntary Mediation		X
	(a) Voluntary mediation is encouraged by the court and nothing in these rules prevents the parties from choosing an independent mediator to help them. Both parties may, at any time, stipulate to out-of-court voluntary mediation by submitting a court approved "Stipulation for Mediation" form for approval by the family court judge.		
	(b) Out-of-court mediators shall prepare and file a report with the court before the date indicated on the stipulation form. The report shall contain a brief statement of the mediator's findings, agreements entered into by the parties and any recommendation the mediator may have on issues not settled by agreement.		
	(c) Out-of-court mediators negotiate their fees with the parties. Their fees are paid directly by the parties in equal shares unless the court directs otherwise. Out-of-court mediators are not required to file their written reports until they have been appropriately paid by the parties for their services.		
18.6	Recommendations		X
	Mediators, both in- and out-of-court, will offer their recommendations on any issue not settled by agreement. The judge may accept the recommendation or make a different order as appropriate. There is no confidentiality between the mediator and the parties. Mediators may be called to testify in court as to the reasons for their recommendations. If a mediator is called, he/she shall be subpoenaed and paid as an expert before testifying.		
18.7	Decisions		X
	Only the judge shall make a decision or order on issues of custody and visitation. The agreements and/or recommendations of the mediator and the parties will be considered as well as the case file, any legally proper evidence and applicable laws available to the judge.		

18.8	Grievances		X
	Parties who wish to make a complaint about the mediation process, or a mediator, may do so in writing to the court in accordance with the grievance policy available on the courts website or the clerk's office. The court may ask any involved party for his/her oral or written response. The answer to the complaining party shall be in writing.		
Chapter 5 - Juvenile Rules			
Rule 21	General Juvenile		
21.3	Filing of Papers	X	
	(a) All papers shall be accompanied by a proof of service, if applicable, and shall be filed on any applicable Judicial Council form.		
	(1) Jurisdictional and/or dispositional reports shall be filed no later than noon on the third court day before the hearing.		
	(2) Dependency status review reports shall be filed no later than ten (1) calendar days before the hearing.		
	(3) All other reports shall be filed no later than noon on the third court day before the hearing.		